

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00484-FDW-DSC

SANDALE LARAZUS WILLIAMS,

Plaintiff,

vs.

GOHEALTH LLC,

Defendant.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss for Insufficient Process and Insufficient Service of Process (Doc. No. 5). Defendant admits that Plaintiff complied with the provisions of the Federal Rules of Civil Procedure as to the manner of service and affirms that Defendant was served with the Complaint in this action on August 18, 2017.¹ Defendant, however, contends that Defendant did not receive the Summons from the United States District Court for the Western District of North Carolina with the Complaint on August 18, 2017 and as of September 12, 2017 had not been served with the Summons. Plaintiff, by affidavit, represents that it sent Defendant the Summons and the Complaint on August 15, 2017 and August 20, 2017. Plaintiff, therefore, has in good faith attempted to comply with the requirements of Rule 4 of the Federal Rules of Civil Procedure. Therefore, the Court construes Plaintiff's response as requesting

¹ Defendant's affidavit indicates it received materials beyond those filed with the Complaint in this action and the complaint served on it omitted an unissued state court summons for the North Carolina General Court of Justice of the County of Mecklenburg. The unissued state court summons was filed with the Complaint in this case. (Doc. No. 1). Defendant, however, has not argued in its Motion that such circumstances constitute insufficient service of process requiring dismissal of an action. Defendant also did not file a Brief with its Motion as required by Local Rule 7.1(C). Therefore, the Court does not address or consider these statements.

an extension of time to serve Defendant with the Summons and Complaint as required under Rule 4. The Court finds that good cause exists to grant an extension.

Therefore, to the extent necessary, the Court EXTENDS the deadline for Plaintiff to serve Defendant with the Summons and the Complaint from 90 days from the date of the filing of the Complaint to 120 days from the date of the filing of the Complaint. Fed. R. Civ. P. 4(m). As Defendant has not argued that it has suffered any prejudice nor has the 90 day period for service expired, the Court DENIES Defendant's Motion (Doc. No. 5) as moot.

IT IS SO ORDERED.

Signed: October 23, 2017

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

